

Below is the Order of the Court.



Mary Jo Heston

Mary Jo Heston
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

In re

SARAH HOOVER,

Debtor.

Chapter 13

Case No.: 19-42890-MJH

Adversary No.: 20-04002-MJH

SARAH HOOVER,

Plaintiff,

vs.

QUALITY LOAN SERVICE
CORPORATION OF WASHINGTON,
PHH MORTGAGE CORPORATION
D/B/A PHH MORTGAGE SERVICES,
HSBC BANK USA, N.A., AS TRUSTEE
OF THE FIELDSTONE MORTGAGE
INVESTMENT TRUST, SERIES 2006-2,
NEWREZ, LLC, AND IH6 PROPERTY
WASHINGTON, L.P. D/B/A
INVITATION HOMES

Defendants.

ORDER RESCINDING TRUSTEE'S SALE

Pursuant to the Court's February 8, 2021 Memorandum Decision and Order (ECF No. 81 & 82), and pursuant to the parties' Stipulation for Order Rescinding Trustee's Sale, filed April 20, 2021, this Court finds and orders as follows:

ORDER RESCINDING TRUSTEE'S SALE
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HOUSER LLP
600 University St., Ste. 1708
Seattle, WA 98101
PH: (206) 596-7838
FAX: (206) 596-7839

1 1. This action concerns real property (the “Property”) in Pierce County, Washington
2 identified as follows:

3 ADDRESS	18205 106TH STREET EAST BONNEY LAKE, WA 98391
4 TAX PARCEL ID.	7001740030
5 LEGAL DESCRIPTION	LOT 3 PLAT OF CYRSTAL MEADOWS RECORDED MAY 14, 6 2004, UNDER RECORDING NO. 200405145003, RECORDS OF 7 PIERCE COUNTY, WASHINGTON. SITUATE IN THE CITY OF BONNEY LAKE, COUNTY OF PIERCE, STATE OF WASHINGTON

8 2. The Property was formerly owned by Ali Suleiman and was encumbered by a deed
9 of trust (the “Deed of Trust”) executed by Ali Suleiman and held by HSBC Bank USA, National
10 Association, as Trustee of the Fieldstone Mortgage Investment Trust, Series 2006-2 (“HSBC”) and
11 recorded under Pierce County Recorder’s No. 200607310903.

12 3. Quality Loan Service Corp. of Washington (“Quality”) was the trustee under the
13 Deed of Trust.

14 4. On September 13, 2019, Quality auctioned the Property for sale pursuant to the
15 Deed of Trust’s power of sale (the “Trustee Sale”). IH6 Property Washington, L.P., a Delaware
16 Limited Partnership (“IH6”) was the winning bidder at the Trustee Sale for the sum of \$356,000.00
17 (the “Sale Proceeds”). On or about September 17, 2019, Quality issued a trustee’s deed (the
18 “Trustee’s Deed”) to IH6 which was recorded under Pierce County Recorder’s No. 201909260566.

19 5. Quality disbursed \$188,549.34 of the Sale Proceeds to HSBC’s servicer PHH
20 Mortgage Corporation (“PHH”) for payment in full of the obligation secured by HSBC’s Deed of
21 Trust. The remaining sale proceeds of \$167,407.96 were deposited in this Court’s registry pending
22 further order of this Court. (ECF No. 41.)

23 6. On February 8, 2021, this Court issued a Memorandum Decision and Order on
24 Cross-Motions for Summary Judgment (ECF No. 81 & 82) ruling that the Trustee Sale violated the
25 bankruptcy automatic stay and is void, and ordering the parties to cooperate in unwinding the
26 Trustee Sale.

1 7. Pursuant to this Court's February 8, 2021 Memorandum and Order, the parties have
2 filed a Stipulation for Order Rescinding Trustee's Sale. In accord with the Stipulation, this Court
3 ORDERS that:

4 (a) The parties are returned to their title positions as if the Trustee Sale never
5 occurred.

6 (b) The Trustee's Deed to IH6 is canceled and void.

7 (c) HSBC's Deed of Trust is reinstated as the first position lien against the Property
8 securing the loan repayment obligation described in the Deed of Trust.

9 (d) The Sale Proceeds shall be returned to IH6, as follows:

10 (i) The Clerk of this Court is authorized and ordered to disburse the funds being
11 held by the Court registry in the principal amount of \$167,407.96, plus any
12 accrued interest, to IH6 Property Washington, L.P., less any amount of
13 Clerk's fees. Such disbursement shall be made by check payable to IH6 Property
14 Washington, L.P., and mailed to:

15 Schweet Linde & Coulson, PLLC

16 575 South Michigan Street

17 Seattle, WA 98108

18 (ii) HSBC is ordered to return the Sale Proceeds in the amount of \$188,549.34
19 to IH6.

20
21 ///End of Order///
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1 PRESENTED BY:

2 /s/ Emilie K. Edling

3 Emilie K. Edling, WSBA #45042

4 Attorney for PHH Mortgage Corporation, HSBC Bank USA, NA, as Trustee of the Fieldstone
Mortgage Investment Trust, Series 2006-2, and NewRez, LLC

5 /s/ Joseph Ward McIntosh

6 Joseph Ward McIntosh, WSBA #39470

7 Attorney for Quality Loan Service Corp. of Washington

8 /s/ Christina L Henry

9 Christina L Henry, WSBA #31273

10 Attorney for Sarah Hoover

11 /s/ Jason Anderson

12 Jason Anderson, WSBA #38014

13 Attorney for Sarah Hoover

14 /s/ John McIntosh

15 John McIntosh, WSBA #43113

16 Attorney for IH6 Property Washington LP *dba* Invitation Homes

CERTIFICATE OF SERVICE

On April 20, 2021, I served the foregoing document(s): ORDER RESCINDING TRUSTEE'S SALE, in the manner described below:

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Anderson Law of King County, PLLC
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Counsel for Quality Loan Service Corporation of Washington

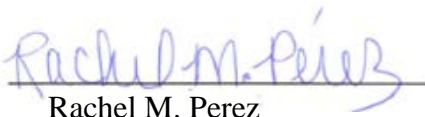
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 20, 2021


Rachel M. Perez